

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 2, 2004
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	3
ATTENDANCE DURING THE MEETING	3
ITEM-1: ROLL CALL.....	3
ITEM-10: INVOCATION	4
ITEM-20: PLEDGE OF ALLEGIANCE.....	4
ITEM-30: Approval of Council Minutes	4
* ITEM-50: Revisions to Building and Fire Regulations Resulting from the Cedar Fire	5
* ITEM-100: Park Reimbursement Agreement with Western Pacific Housing for Hidden Trails Neighborhood Park	5
* ITEM-101: Two actions related to Construction of Rigel Street Bridge over Chollas Creek (Bridge No. 57C-415)	7
* ITEM-102: Agreement with Hirsch & Company, Inc. for Engineering Services for Torrey Pines Road/La Jolla Blvd. Water Main Replacement Project (Phase 3)	10
* ITEM-103: Amended and Restated Joint Powers Agreement (JPA) Creating the Water Conservation Authority	12
* ITEM-104: Reappointments to the Citizens Equal Opportunity Commission	14
* ITEM-105: Torrey Pines High School Football Day	15
* ITEM-106: Recognizing Perk and Beans “The Village of Del Cerro” for Their Ongoing Community Support.....	15
ITEM-200: First San Diego River Improvement Project (FSDRIP) Natural Resource Management Plan.....	16

Minutes of Monday, February 2, 2004
Table of Contents (Continued)

Page 2

ITEM-201:	Public Hearing: District 6 Block 6Z Surcharge Funded Underground Utility District.....	17
ITEM-202:	Public Hearing: Various Underground Utility Districts with Mitigation Monitoring Reporting Program.....	18
ITEM-203:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8	20
ITEM-204:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8	21
ITEM-205:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8	22
ITEM-206:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8	23
ITEM-250:	Settlement of Property Damage Claim of Clif Emison, et al.....	24
ITEM-251:	Notice of Pending Final Map Approval – Sycamore Estates.	25
ITEM-252:	Notice of Pending Final Map Approval – Mesa Norte.....	26
NON-DOCKET ITEMS		26
ADJOURNMENT.....		27

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:09 p.m. Mayor Murphy adjourned the meeting at 2:34 p.m. into Closed Session on Tuesday, February 3, 2004, at 9:00 a.m. in the 12th floor conference room to discuss anticipated and existing litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (gs)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, February 2, 2004**

Page 4

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Ned Wight of Summit Unitarian Universalist.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Casey Gwinn.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meeting of:

01/13/2004

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:12 p.m.)

MOTION BY INZUNZA TO APPROVE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-50: Revisions to Building and Fire Regulations Resulting from the Cedar Fire.

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 1/20/2004.
(Council voted 7-2. Councilmembers Zucchet and Atkins voted nay):

(O-2004-83 Rev.) ADOPTED AS ORDINANCE O-19258 (New Series)

Amending Chapter 14, Article 5, Division 2, of the San Diego Municipal Code by amending Section 145.0202, pertaining to Building Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, (nay on the issue relating to shake shingle), Atkins-yea, (nay on the issue relating to shake shingle), Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Park Reimbursement Agreement with Western Pacific Housing for Hidden Trails Neighborhood Park.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-427) ADOPTED AS RESOLUTION R-298831

Authorizing the City Manager to execute the Park Reimbursement Agreement for the Hidden Trails Neighborhood Park (Agreement) with Western Pacific Housing, for acquisition and site development of the Hidden Trails Neighborhood Park (Project);

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$764,400, contingent upon certification by the City Auditor and Comptroller that the revenues are available at the time reimbursement is scheduled from the Otay Mesa Public Facilities Benefit Assessment Fund No. 79014, for this Project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Hidden Trails Neighborhood Park is approximately 4.0 acres in size and is located within the "Hidden Trails Vesting Tentative Map" area of the Otay Mesa community in southeastern San Diego. Execution and implementation of this proposed Park Reimbursement Agreement between the City of San Diego and Western Pacific Housing (Subdivider) will satisfy condition No. 37 a-e of the Vesting Tentative Map (VTM No. 89-0739) approved by the City Council on February 6, 2001, Resolution No. R-294523.

The Subdivider will advance the funds to construct the rough grading, street improvements and associated utilities to serve the park. The Subdivider will be reimbursed for acquisition, design and construction per the attached agreement, in either Facilities Benefit Assessment credit or cash. Cash reimbursements will occur as provided for in the current Otay Mesa Public Facilities Financing Plan, or as cash becomes available if not available when called for by the Plan. The Financing Plan calls for reimbursement between FY 2006 and 2016.

FISCAL IMPACT:

All approved costs associated with the acquisition, design and construction of this project are funded through the Otay Mesa Facilities Benefit Assessment, Fund No. 79014. Annual maintenance costs are estimated to be \$4,000 until full development of the park which is scheduled in FY 2016.

This project was included in the Fiscal Year 2002 Capital Improvements Program. It was not published in Fiscal Year 2003 and Fiscal Year 2004 due to revised project scheduling beyond the scope of the eleven year Capital Improvements Program. The project will be reinstated for the Fiscal Year 2005 Proposed Capital Improvements Program Budget and the updated Public Facilities Financing Plan for Fiscal Year 2006 shall include this expenditure.

Herring/Openheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Two actions related to Construction of Rigel Street Bridge over Chollas Creek (Bridge No. 57C-415).

(Barrio Logan Community Area. District-8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-734) ADOPTED AS RESOLUTION R-298832

Authorizing the City Manager to apply for a modification to Program Supplement Agreement No. 135 to the Local Agency-State Agreement No. 11-5004 (065) and accept a total of \$669,516 of Highway Bridge Rehabilitation and Replacement (HBRR) Funds for CIP-52-661.0, Construction of Rigel Street Bridge over Chollas Creek, Fund No. 38729;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program Budget for CIP-52-661.0, Construction of Rigel Street Bridge over Chollas Creek, by \$669,516, contingent upon receipt of a fully executed modified Program Supplement and FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$669,516 from CIP-52-661.0, Construction of Rigel Street Bridge over Chollas Creek, Fund No. 38729, HBRR, contingent upon receipt of a fully executed modified Program Supplement, and FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Manager to accept future modifications to the Program Supplement, if needed, for CIP-52-661.0, Construction of Rigel Street Bridge over Chollas Creek;

Authorizing the City Auditor and Comptroller to transfer \$100,000 from CIP-52-519.0, Bridge Rails – Citywide, TransNet Funds to CIP-52-661.0, Construction of Rigel Street Bridge over Chollas Creek;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$100,000 from TransNet Funds for CIP-52-661.0, Construction of Rigel Street Bridge over Chollas Creek, provided that a certificate is furnished demonstrating that funds are available;

Authorizing the City Auditor and Comptroller, upon direction of the City Manager, to reallocate the funding source between TransNet and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet cash and reduce the use of Commercial Paper funding for CIP-52-661.0, Construction of Rigel Street Bridge over Chollas Creek;

Approving the plans and specifications for the Construction of Rigel Street Bridge over Chollas Creek;

Authorizing the City Manager to advertise for bids, and award the project in the future to the lowest responsible bidder in an amount not to exceed \$836,894 for CIP-52-661.0, Construction of Rigel Street Bridge over Chollas Creek, contingent upon the City Auditor and Comptroller first certifying that funds are deposited with the Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Subitem-B: (R-2004-736) ADOPTED AS RESOLUTION R-298833

Certifying that Negative Declaration LDR-40-0187 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the construction of Rigel Street Bridge over Chollas Creek (Bridge No. 57C-415);

Declaring that the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project will replace the Rigel Street Bridge over Chollas Creek with a new bridge approximately 62 feet in length. The existing wooden bridge was built in 1930 and was determined by Caltrans to be structurally deficient. Recently this bridge was closed due to structural failure and is in need of immediate replacement. This project will provide a two span concrete bridge including approach roadways and associated drainage improvements. The proposed bridge will provide a travel lane, parking lane and sidewalk in each direction.

FISCAL IMPACT:

The project was previously authorized for a total amount of \$614,000. This current action will authorize the construction and authorize the appropriation and expenditure of an additional \$669,516 in Federal funding and \$100,000 in TransNet funding, of which \$546,622 will be for engineering design costs and \$836,894 will be construction costs. No expenditures are anticipated to be incurred against commercial paper at this time. In an effort to defer the issuance of commercial paper, available cash in the amount of \$100,000 will be identified through our cash management process. Total project cost is now estimated to be \$1,383,516.

Total Estimated Project Cost:	\$1,383,516
Federal HBRR Funds:	\$ 861,516
City TransNet Funds	\$ 522,000

Loveland/Belock/PB

Aud. Cert. 2400680.

FILE LOCATION: W. O. 526610

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Agreement with Hirsch & Company, Inc. for Engineering Services for Torrey Pines Road/La Jolla Blvd. Water Main Replacement Project (Phase 3).

(See memorandum from Larry Gardner dated 1/7/2004. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-744) ADOPTED AS RESOLUTION R-298834

Authorizing the City Manager to execute an agreement with Hirsch & Company, Inc., for engineering services for the Torrey Pines Road/La Jolla Boulevard Water Main Replacement Project (Phase 3) (Project);

Authorizing the expenditure of an amount not to exceed \$249,013 from Water Fund 41500, CIP-70-953.0, Torrey Pines Rd./La Jolla Blvd. Water Main Replacement Project (Phase 3), for the purpose of providing funds for the above referenced Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/14/2004, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The Torrey Pines Road/La Jolla Boulevard Water Main Replacement Project replaces a total of approximately 31,900 linear feet of existing 16-inch cast iron water main within the La Jolla and Pacific Beach communities. The pipeline was installed in the early 1920s with an intended service life of about 50 years.

Portions of this existing pipeline have deteriorated due to use, age, and corrosive soils, causing several large pipeline breaks within recent years. As a result, the Water Department will replace the existing 16-inch transmission main with an equivalent pipe size, including tee connections, valves, and other associated work related to the pipe. The replacement pipeline will increase the service reliability of the water distribution system and minimize future water and fire service disruptions, public inconvenience, property damage, and costly repairs caused by the older cast iron water mains.

Replacement of the water main was divided into three separate projects distinguished by phases. Phase I, replaced the waterline between La Jolla Shores Drive and Exchange Place in Torrey Pines Road, and was completed in May 2002. This work was covered by an emergency exemption from CEQA due to the repeated disruptions to service along this segment. Phase II, between Exchange Place and Pacific Beach Drive is currently in design. This Project has been analyzed in MND No. 11847, which is pending adoption. In order to minimize inconvenience to the Bird Rock Community, design of a segment of pipeline on La Jolla Boulevard between Camino de la Costa and Tourmaline Street was accelerated. This segment was also analyzed in MND No. 11847. Construction of the accelerated portion is tentatively scheduled to begin in January of 2004. Phase III, the Project addressed in this Council action, replaces approximately 4,000 linear feet of existing 16-inch cast iron pipeline. The pipeline is located on La Jolla Shores Drive, between the intersection of Avenida De La Playa and Ruelle Monte Carlo. While the authorization of funds for the design of this project is exempt from CEQA, the project itself will be subject to environmental review.

The Water Department received a short-list of five qualified firms from Contract Services. On August 28, 2003, a Selection Panel convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, Hirsch & Company was selected as the most qualified to provide engineering consultant services for the design of the replacement project. The requested amount of \$249,013 is for the design work.

FISCAL IMPACT:

The total cost for the design is \$249,013. Funding for this agreement will be from Water Fund 41500, CIP-70-953.0, Torrey Pines Rd./La Jolla Blvd. Water Main Replacement (Phase 3).

Mendes/Gardner/VB

Aud. Cert. 2400688.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Amended and Restated Joint Powers Agreement (JPA) Creating the Water Conservation Authority.

(See memorandum from Larry Gardner dated 12/4/2003. County of San Diego, East County, and Cuyamaca Community College Areas.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-718) ADOPTED AS RESOLUTION R-298835

Authorizing the City Manager to approve the Amended and Restated Joint Powers Agreement creating the Water Conservation Authority as set forth in the proposed amendment;

Authorizing the City Manager to execute an Amended and Restated Joint Powers Agreement creating the Water Conservation Authority subject to additions or modifications thereto as they may deem in the best interest of the City of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/10/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

On August 12, 1992, the Otay Water District, Helix Water District and the Grossmont-Cuyamaca College District entered into a Joint Powers Agreement (JPA) to establish the Water Conservation Authority. On February 25, 2002, Resolution No. R-296088 was passed and adopted by the City Council to authorize an agreement for the City of San Diego to join the JPA. San Diego County Water Authority and Padre Dam Municipal Water District has since joined as partners to the Water Conservation Authority; and San Diego County Water Authority replaces Otay Water District as the service provider.

The amended and restated agreement provides a formalized notification process for a member agency to withdraw from the JPA. Previously, after an initial one year commitment, an agency could provide a two-month written notice to withdraw from the JPA. A member agency will now be required to provide the Authority with a written notice of intent to withdraw within the first calendar month of the fiscal year. This notice would not become effective until the last day of that fiscal year in which the notice was given to ensure that the agency's budget obligation remains in effect.

The approved operating budget for the current fiscal year is \$296,100, with each paying member contributing its equal share.

FISCAL IMPACT:

There are no costs associated with this action, however, the annual share for the City of San Diego is approximately \$59,220.

Mendes/Gardner/CY

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Reappointments to the Citizens Equal Opportunity Commission.

(See memorandum from Mayor Murphy dated 1/22/2004, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-773) ADOPTED AS RESOLUTION R-298836

Council confirmation of the following reappointments by the Mayor to serve as members of the Citizens Equal Opportunity Commission, for two-year terms as indicated, and in categories as specified:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Debbie Day	City at Large	January 1, 2006
Audie J. De Castro	Asian	January 1, 2006
Rebecca Llewellyn	City at Large	January 1, 2006
James Michael McManus	City at Large	January 1, 2006
Sharon A. Marshall	City at Large	January 1, 2006
Sara M. Young	City at Large	January 1, 2006

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Torrey Pines High School Football Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-746) ADOPTED AS RESOLUTION R-298837

Commending Coach Burke, his staff, and the Torrey Pines High School Varsity Football team for their dedication, commitment, and perseverance in providing the community of Carmel Valley a memorable 2003 season;

Proclaiming February 2, 2004 to be "Torrey Pines High School Football Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Recognizing Perk and Beans "The Village of Del Cerro" for Their Ongoing Community Support.

(Del Cerro Community Area. District-7.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-768) ADOPTED AS RESOLUTION R-298838

Recognizing Perk and Beans “The Village of Del Cerro” for their ongoing community support on behalf of the people of the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: First San Diego River Improvement Project (FSDRIP) Natural Resource Management Plan.

(See City Manager Report CMR-04-021. Mission Valley Community Area. District-6.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-737) ADOPTED AS RESOLUTION R-298839

Adopting the First San Diego River Improvement Project (FSDRIP) Natural Resources Management Plan dated September 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:23 p.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Public Hearing: District 6 Block 6Z Surcharge Funded Underground Utility District.

(Serra Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-758) ADOPTED AS RESOLUTION R-298828

Calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility District financed through the City of San Diego Undergrounding Surcharge fund.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0 "Annual Allocation - Underground of City Utilities," and will underground the overhead utility facilities within the designated districts.

The formation of this districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form. The City will also provide and plant a new tree for any property owners who are willing to take responsibility for the watering and caring of the tree until it becomes established.

FISCAL IMPACT:

The construction cost and the other indirect costs such as street light replacement, tree replacement, street improvement, minor City forces and other related work is estimated at \$6,506,179.81, and will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/AO

FILE LOCATION: STRT-K-319 (38)

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:33 p.m.)

MOTION BY FRYE TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Public Hearing: Various Underground Utility Districts with Mitigation Monitoring Reporting Program.

(Various Community Areas. Districts-1, 2, 3, 4, 7, & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-709) ADOPTED AS RESOLUTION R-298829

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of underground utility districts financed through the City of San Diego Undergrounding Surcharge Fund.

Subitem-B: (R-2004-749) ADOPTED AS RESOLUTION R-298830

Certifying that Mitigated Negative Declaration Project No. 23247, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent

judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the following underground utility districts;

District 1 Block 1F, as described in Exhibit A and on Drawing No. 32829-D;
District 2 Block 2E, as described in Exhibit B and on Drawing No. 23840-D;
District 3 Block 3FF, as described in Exhibit C and on Drawing No. 32841-D;
District 4 Block 4G, as described in Exhibit D and on Drawing No. 32842-D;
District 7 Block 7F, as described in Exhibit E and on Drawing No. 32844-D;
District 8 Block 8F, as described in Exhibit F and on Drawing No. 32845-D;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding this project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed districts are identified in CIP-37-028.0, “Annual Allocation – Underground of City Utilities,” and will underground the overhead utilities.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s), for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s), within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric’s offer to perform this work, property owners are required to sign a Permit to Enter Form. The City will also provide and plant new trees for any property owners who are willing to take responsibility for the watering and caring of the tree until it becomes established.

FISCAL IMPACT:

SDG&E Cost: The construction cost \$24,002,541 will be financed through the use of San Diego Gas & Electric Company's Annual Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for administration, archaeological monitoring, street light replacement, street improvement, minor City forces, and other related work, estimated at \$3,857,479. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/AO

FILE LOCATION: STRT-K-320 (38)

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:33 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: REFERRED TO CLOSED SESSION ON TUESDAY, FEBRUARY 3, 2004

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium.

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers.

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

The public hearing was held and Mayor Murphy referred the item to Closed Session.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

ITEM-204: REFERRED TO CLOSED SESSION ON TUESDAY, FEBRUARY 3, 2004

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Approximately 5 acres located at Mercy Road at Allemania Road (portions of APNs 318-021-13, 318-021-14, and 318-021-16)

City Negotiator: Real Estate Assets Director
Senior Deputy City Manager

Negotiating Party: County Water Authority.

Under Negotiation: Terms of Exclusive Sale.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on 2/3/2004.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

The public hearing was held and Mayor Murphy referred the item to Closed Session.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

ITEM-205: REFERRED TO CLOSED SESSION ON TUESDAY, FEBRUARY 3, 2004

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: An approximate 396-acre parcel owned by the City of San Diego commonly known as Mt. Woodson located north of and adjacent to the City of Poway (APN 278-211-01 and 278-081-05) and an approximate 19.6-acre parcel owned by the City of Poway commonly known as the Pomerado Wastewater Treatment Plant Site located in the City of San Diego (APN 316-231-04, 06, 14, 16, and 17)

City Negotiator: Real Estate Assets Director
Senior Deputy City Manager

Negotiating Party: City of Poway.

Under Negotiation: Seeking direction on the exclusive exchange of these properties.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on 2/3/2004.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

The public hearing was held and Mayor Murphy referred the item to Closed Session.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

ITEM-206: REFERRED TO CLOSED SESSION ON TUESDAY, FEBRUARY 3, 2004

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Approximately 1900 square foot parcel located at 13th and Broadway (APN 435-205-08)

City Negotiator: Real Estate Assets Director
Senior Deputy City Manager

Negotiating Party: San Diego Housing Commission.

Under Negotiation: Terms of option agreement for sale of property to San Diego Housing Commission.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on 2/3/2004.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

The public hearing was held and Mayor Murphy referred the item to Closed Session.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:24 p.m.)

ITEM-250: Settlement of Property Damage Claim of Clif Emison, et al.

Adopted as Resolution R-298805

A Resolution approved by the City Council in Closed Session on Monday, January 20, 2004, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$100,637.33 in complete settlement of each and every claim against the City of San Diego, its agents and employees, resulting from personal damage claim of Clif Emison, et al. on September 11, 2003;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$65,744.13 made payable to Luth and Turley, Inc.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: Notice of Pending Final Map Approval – Sycamore Estates.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates” (T.M.. No. 99-0899), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the southeasterly of Pomerado Road and Beeler Canyon Road in the Military Facilities Reserve Area in Council District 7. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval – Mesa Norte.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Mesa Norte” (T.M. No. 41-0190), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located at the northwesterly terminus of Mesa Norte Drive, westerly of Del Vino Court in the Del Mar Mesa Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 2:34 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:34 p.m.)